

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

JUSTIN YEAGER

Plaintiff

V.

ST. MICHAEL'S HOSPITAL

Defendant

Case No. 5:24cv186-JRG-JBB

ORDER OF DISMISSAL

Plaintiff Justin Yeager filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged deprivations of his constitutional rights. The named Defendant is St. Michael Hospital, a medical facility in Texarkana, Texas. The lawsuit was referred to United States Magistrate Judge J. Boone Baxter.

On December 10, 2024, the Magistrate Judge issued a Report and Recommendation, recommending the above lawsuit be dismissed without prejudice for failure to state a claim upon which relief may be granted. Docket No. 4 at 5. A copy of this Report was sent to Plaintiff at his last known address, but no objections have been received. The Fifth Circuit has explained that where a letter is properly placed in the United States mail, a presumption exists that the letter reached its destination in the usual time and was actually received by the person to whom it was addressed. *Faciane v. Sun Life Assurance Company of Canada*, 931 F.3d 412, 420-21 and n.9 (5th Cir. 2019).

Because no objections have been received, Plaintiff is barred from *de novo* review by the District Judge of the Magistrate Judge's proposed findings, conclusions and recommendations. Moreover, except upon grounds of plain error an aggrieved party is barred from appellate review of

the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203- RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021).

The Court has reviewed the pleadings in this cause and the Report and Recommendation of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). It is accordingly


ORDERED that the Report and Recommendation of the Magistrate Judge (Docket No. 4) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled civil action is **DISMISSED** without prejudice for failure to state a claim upon which relief may be granted. It is further

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

So Ordered this

Jan 28, 2025



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE